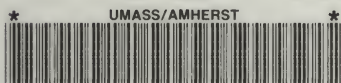


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INFORMATION RELATING TO ADMISSION OF ATTORNEYS IN MASSACHUSETTS

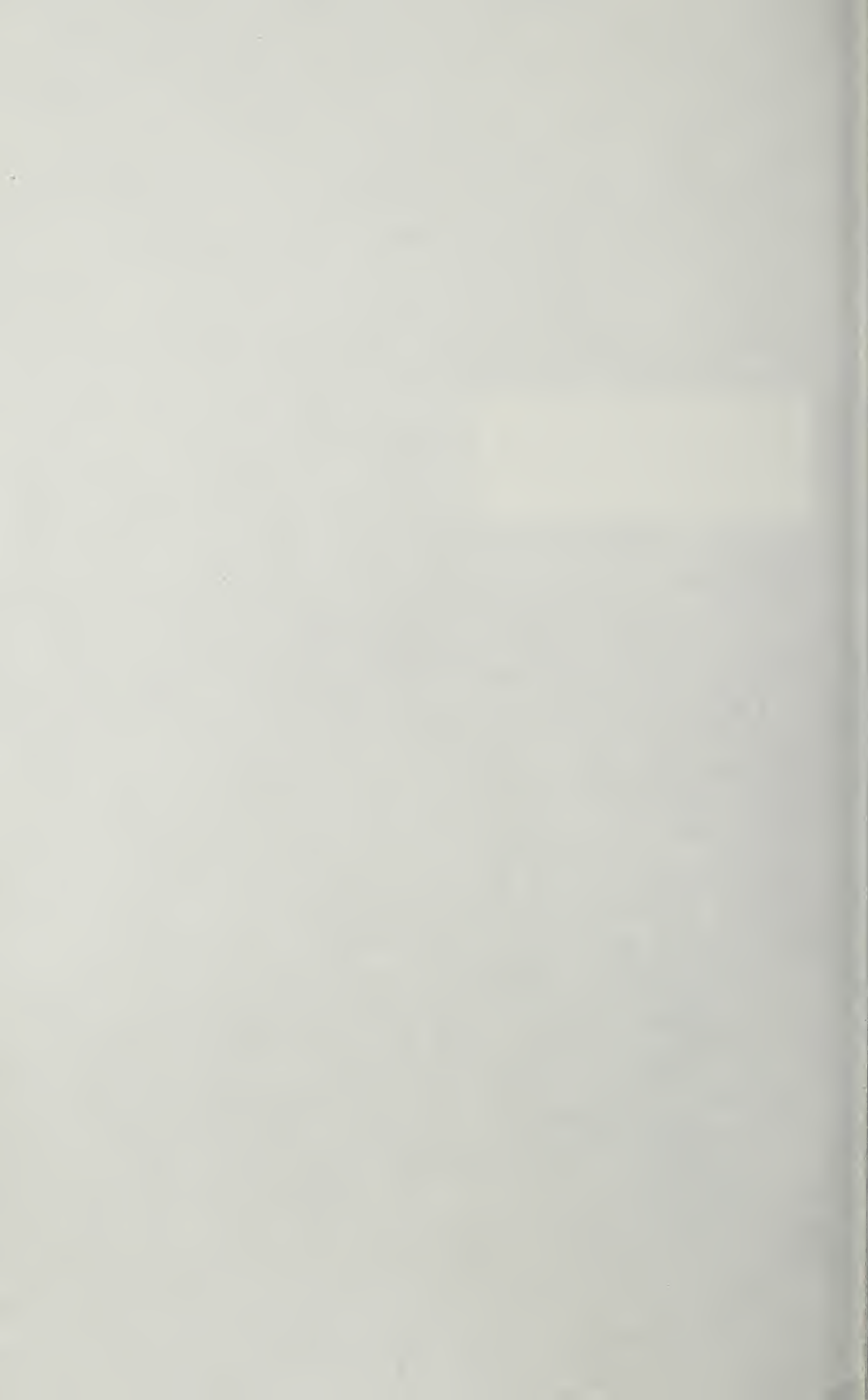
Published March 1999

MASSACHUSETTS BOARD OF BAR EXAMINERS



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MASSACHUSETTS BOARD OF BAR EXAMINERS

Edward J. Barshak, *Chairman*, 77 Franklin Street, Boston 02110
Robert J. Muldoon, Jr., *Secretary*, 100 Summer Street, Boston 02109
John F. Dunn, One Union Street, Boston 02108
Anthony G. Massimiano, Berkshire Common, Pittsfield 01201
Alice E. Richmond, One Beacon Street, Boston 02108

The members of the Board are appointed by the Justices of the Supreme Judicial Court under the authority of the General Laws (Ter. Ed.), Chapter 221, section 35 for terms of five years, one term expiring on October 1st of each year. Their compensation and expenses are paid by the Commonwealth.

GENERAL RULES OF THE SUPREME JUDICIAL COURT

3:01 ATTORNEYS

Section 1. Applications for Admission

1.1 *Petitions.* Persons desiring admission to the bar of the Commonwealth shall apply by filing a petition for admission with the Clerk of the Supreme Judicial Court for the county of Suffolk.

1.2 *Recommendation.* Each petition shall be accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States.

1.3 *Referral to Board of Bar Examiners.* All petitions for admission shall be referred to the Board of Bar Examiners for a report as to the character, acquirements and qualifications of the applicant.

Section 2. Bar Examinations

2.1 *Time and Place.* Law examinations shall be held at least twice a year in Boston and in such other places as the board of Bar Examiners shall designate. The Board shall fix the times and places of the examinations and shall give due notice thereof.

Section 3. Qualifications for Taking Bar Examination

3.1 *High School.* Each applicant for admission by examination shall have been graduated from a public day high school or its equivalent, or shall have received the equivalent education in the opinion of the Board.

3.2 *College.* Each applicant shall have completed the work acceptable for a bachelor's degree in a college or university, or have received an equivalent education in the opinion of the Board.

3.3 *Law School.* Each applicant shall have graduated with a degree of bachelor of laws or juris doctor from a law school which, at the time of graduation, is approved by the American Bar Association or is authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor.

3.4 *Foreign Law Schools.* Any applicant who received his legal education at a law school located outside of any state, district, or territory of the United States shall have pre-legal education equivalent, in the Board's opinion, to that set forth in subsections 3.1 and 3.2 and legal education equivalent, in the Board's opinion, to that provided in law schools approved by the American Bar Association. Before permitting such an applicant to take the law examination, the Board in its discretion may, as a condition to such permission, require such applicant to take such further legal studies as the Board may designate at a law school, approved by the American Bar Association.

3.5 *Exclusion.* Subsection 3.1 to 3.4 shall not apply to applicants who have heretofore been examined under eligibility rules previously in force. To these applicants, the rules in force at their first examination shall apply.

3.6 *Multistate Professional Responsibility Examination.* To be admitted as an attorney, each applicant shall have passed the Multistate Professional Responsibility Examination either before or after passing the written law examination.

Section 4. Public Notice of Bar Examination Results

4.1 *Notice and Publication.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of an applicant for admission, the Board shall prepare a list of names of those applicants who passed the written law examination (under Rule 3:01, Section 3) and who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners shall determine.

4.2 *Report to the Court.* Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under Section 3.

Section 5. Disposition of Petitions for Admission

5.1 *Qualified Applicants.* The petitions for admission of those who pass the law examination and who are found by the Board of Bar Examiners to be of good moral character and of sufficient acquirements and qualifications may be allowed and the applicants may be admitted either (a) in open court upon subscription to the attorneys' oaths, at such times and places as the Supreme Judicial Court shall appoint, or (b) by mail in accordance with procedures established by the Supreme Judicial Court and administered by the Clerk of the Supreme Judicial Court for Suffolk County.

5.2 Admission of Qualified Applicants within a Limited Time. Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified applicant for admission may be sworn and enrolled as an attorney within one year of the report to the Court (Rule 3:01, subsection 4.2) concerning the applicant, and, if not so sworn and enrolled, the applicant may thereafter be sworn and enrolled only if he or she satisfies the Board of Bar Examiners as to his or her current legal knowledge, qualifications, and good moral character.

5.3 Non-Qualified Applicants. The petitions of those found not qualified shall be dismissed at the expiration of sixty days from the Board of Bar Examiners' report of non-qualification, unless within that period the Chief Justice of the Supreme Judicial Court, on application of the petitioner, shall order a hearing on the matter.

Section 6. Admission on Motion

6.1 Attorneys Admitted in Other States. A person who has been admitted as an attorney of the highest judicial court of any state, district or territory of the United States may apply to the Supreme Judicial Court for admission on motion as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on the applicant's compliance with the following conditions:

6.1.1 The applicant shall have been admitted in the other state, district or territory, for at least five years prior to applying for admission in the Commonwealth, and shall provide the court with a certificate of admission from the highest judicial court of such state, district or territory.

6.1.2 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.1.3 The applicant shall submit to the Board of Bar Examiners letters of recommendation for admission from three members of the bar of the Commonwealth, or of the state, district or territory of prior admission, or of the bar of the state, district or territory in which the applicant has last resided.

6.1.4 The applicant shall have graduated from high school, or shall have received the equivalent education, in the opinion of the Board, completed work for a bachelor's degree at a college or university, or its equivalent, and graduated from a law school which at the time of graduation was approved by the American Bar Association or was authorized by a state statute to grant the degree of bachelor of laws or juris doctor.

6.1.5 The applicant shall pass the Multistate Professional Responsibility Examination if he or she has not previously passed that examination in another jurisdiction.

6.2 Attorneys Admitted in Foreign Countries. A person who has been admitted or enrolled as an attorney of the highest judicial court of a foreign country may apply to the Supreme Judicial Court to be admitted, without examination, as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on compliance with the following conditions:

6.2.1 The applicant's principal residence is in the Commonwealth of Massachusetts.

6.2.2 The applicant shall have been admitted in the foreign country for at least five years prior to applying for admission in the Commonwealth, and shall provide the court with a certificate of admission from the highest court of the foreign country.

6.2.3 The applicant shall have completed the equivalent of American high school; shall have completed work in college or university equal to that warranting a bachelor's degree in the United States; and shall have completed such legal education as, in the opinion of the Board of Bar Examiners, is equivalent to that provided in law schools approved by the American Bar Association.

6.2.4 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.2.5 The applicant shall submit to the Board of Bar Examiners letters of recommendation from three members of the bar of the foreign jurisdiction and from two members of the bar of the Commonwealth.

6.2.6 The applicant shall have passed the Multistate Professional Responsibility Examination.

6.3 *Notice and Publication for Admission under Section 6.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of applicants for admission, the Board shall prepare a list of names of applicants who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners may determine.

6.4 *Report to the Court.* Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under Section 6.

Section 7. Bar Examiners Rules

7.1 The Board of Bar Examiners may, subject to the approval of the Supreme Judicial Court, make rules consistent with these rules.

Section 8. Subpoenas

8.1 Any member of the Board of Bar Examiners may summon witnesses to appear before the Board.

RULES OF THE BOARD OF BAR EXAMINERS

(as authorized by General Rules of the Supreme Judicial Court 3:01 sec. 7)

Rule I. Petitions and Certificates

Every applicant for admission to the bar who desires to take a law examination shall file a petition with the proper clerk of court at least 60 days before the law examination which he/she intends to take together with such certificates as the board shall prescribe, giving information as to age, residence, character, and general and legal education and proof of passing the Multistate Professional Responsibility Examination. For good cause shown the chairman of the board may allow petitions or certificates to be filed after the time fixed.

Rule II. Time and Place of Law Examinations

Law examinations shall be held at least twice a year in Boston, and in such other place or places, if any, as the Board shall designate. The exact times and places shall be fixed by the Board and due notice thereof shall be given.

Rule III. Subjects under Rule 3:01 sec. 3.

Applicants will be expected to be familiar with the law in the following fields:

Agency	Federal Rules of Civil Procedure
Business Organizations	Massachusetts Rules of Civil Procedure
Constitutional Law	Professional Responsibility
Contracts	Real Property (including Mortgages)
Criminal Law	Torts
Descent & Distribution of Estates	Trusts
Domestic Relations	Wills
Evidence (including Federal Rules)	Unfair or Deceptive Practices (G.L.C. 93A)
Federal Jurisdiction and Venue	Uniform Commercial Code (articles 1 - 9)

The examination will be conducted in part by written questions to be answered in writing and in part by printed questions to be answered by selection from answers supplied.

Rule IV. Applicants under Rule 3:01 sec. 6.

Every applicant for admission as an attorney under Rule 3:01 sec. 6 of the General rules (Attorneys) of the Supreme Judicial Court shall obtain at his/her own expense and furnish to the Board a report by the National Conference of Bar Examiners of an investigation made by it of the moral character and professional experience and standing of such applicant. The board may waive this requirement in any case in which it deems such a report to be unnecessary.

IMPORTANT INFORMATION FOR APPLICANT UNDER RULE 3:01 sec. 3.

(Please read and be familiar with the following)

1. Forms for application for examination as an attorney and information as to time and place of examinations may be obtained at the office of the Clerk of the Supreme Judicial Court for the County of Suffolk, or at the office of the Board of Bar Examiners or by written request to the Board of Bar Examiners including a 9 x 12 envelope self-addressed with postage for 3 ounces.

2. Applications for examination as an attorney, consisting of applicant's petition, statement to the Board of Bar Examiners, law school certificate and two letters of character, and a copy of Examinee's score report for the Multistate Professional Responsibility examination shall be filed 60 days before the date of examination and *shall be filed in all cases with the Clerk of the Supreme Judicial Court for the County of Suffolk, New Court House, Pemberton Square, Boston 02108, with fee (certified bank check or money order) payable to Commonwealth of Massachusetts.*

3. The fee for the first application for examination and each such subsequent examination is \$285 and must be paid at the time of filing an application. This fee is not refundable.

4. An applicant who has failed an examination and wishes to take a subsequent examination, must file an application, consisting of *applicant's petition and applicant's Supplementary Statement* to the Board of Bar Examiners at least 60 days before the date of the examination with the Clerk of the Supreme Judicial Court for the County of Suffolk, New Court House, Pemberton Square, Boston, 02108, with a filing fee of \$285, *payable to Commonwealth of Massachusetts.*

5. If a qualified applicant who has duly filed an application does not take that examination, he may be permitted to take the next examination without payment of an additional fee on written request to the Board of Bar Examiners not less than 60 days before the next scheduled examination.

6. Qualifications for taking a bar examination are set forth in Rule 3:01, Attorneys. Any uncertainties relating to eligibility must be sent to the Board of Bar Examiners, 77 Franklin Street, Boston, MA 02110 *Prior* to filing an application.

7. The Massachusetts Bar Examination held on two consecutive days, consists of one part Multistate Bar Examination (MBE) part, with 200 questions and an essay examination part with ten questions. The hours of examination will be from 8:30 A.M. to 5:00 P.M. on each day with luncheon intermission. At the present time, the bar examination is given twice a year, late in the month of February and July.

Multistate Bar Examination (MBE) scores achieved on prior bar examinations are not accepted for transfer purposes by the Massachusetts Board of Bar Examiners.

8. All inquiries and/or requests for special accommodations for taking a bar examination in Massachusetts under non-standard conditions must be in writing and submitted to the Board of Bar Examiners as soon as possible for a particular examination. Requests to type essay examination part will be permitted to persons with disabilities and then to others if seating is available. Necessary forms issued by the Board for providing details and documentation relating to a disability will be furnished for completion by the applicant for speedy return to the Board. These completed forms must be mailed to the Board of Bar Examiners, 77 Franklin St., Boston, MA 02110.

9. At the examination site each applicant will find on the desk at which he or she is to sit a card bearing name, address and a green identification number. This card must be left on the desk until collection by a proctor.

10. No books, papers or other material of any kind (including food) will be permitted on or at desks during examination. Applicants are instructed to leave all such material outside the examination area.

11. Each applicant will receive by mail a written notice of the result of the examination as soon as it is practicable. Commencing on the third business day after notices of the examination results are mailed, an applicant who has not received his/her notice may come to the office of the Board (77 Franklin Street, Boston) in person with adequate identification (picture ID) to be informed orally of his/her result.

12. Multistate Professional Responsibility Examination is a separate examination, given three times a year and administered by the National Conference of Bar Examiners. A scaled score of 75 or better is a passing score at this time which must be achieved by an applicant either before or after passing a Massachusetts bar examination for admission as an attorney. For MPRE information:

NATIONAL CONFERENCE OF BAR EXAMINERS
MPRE Application Department
Box 4001, Iowa City, Iowa 52243
(319) 337-1287

Important Information for Attorneys from Foreign Countries, Applying Under General Rule 3:01, Section 3.

1. Graduates of the common-law faculties of Canadian law schools which are eligible to be members of the Law School Admissions Council shall be permitted to sit for the general bar examination on the same basis as graduates of law schools approved by the American Bar Association. A list of such law schools appears in the margin.*

2. Graduates of the common-law faculties of law schools in foreign countries (other than Canada) whose jurisprudence rests upon the common-law tradition, may be permitted to sit for the general bar examination upon successful completion of such academic legal study at an ABA-approved law school as the Board may require. Each applicant should confer with the Board of Bar Examiners to determine courses to be taken. Acquisition of the Master of Laws Degree at an ABA-approved law school may be considered by the Board in determining the applicant's successful completion of the requirement of further legal studies at an ABA-approved law school. Generally the Board will require applicants to take courses such as, for example, American Constitutional Law, Federal Courts and Jurisprudence, the Uniform Commercial Code, and the core curricular courses offered in the first year at ABA-approved law schools. In certain cases, the Board may require acquisition of the J.D. degree at an ABA-approved law school.

3. In determining the educational qualifications of applicants who received legal education outside the United States, the Board may consider, in addition, other factors, including, but not limited to, graduate legal studies other than those in Master of Law programs in ABA-approved law schools, admission to practice in other American jurisdictions, and length and nature of practice or teaching in an American jurisdiction.

* University of Alberta
University of British Columbia
University of Calgary
Dalhousie University
University of Manitoba
McGill University
University of New Brunswick

University of Ottawa
Queen's University
University of Toronto
University of Victoria
University of Western Ontario
York University - Osgood Hall
Law School

IMPORTANT INFORMATION FOR ATTORNEYS FROM OTHER STATES AND JURISDICITONS, APPLYING UNDER GENERAL RULE 3:01, sec. 6.

(Please read and be familiar with the following)

1. Forms for application (blue) under Rule 3:01, sec. 6, consisting of a petition and a certificate, and information may be obtained from the office of the Board of Bar Examiners or by written request to the Board of Bar Examiners including a 9 x 12 self-addressed envelope with postage for 3 ounces.

2. Applications under Rule 3:01, sec. 6, shall be forwarded to the *Board of Bar Examiners* with certificates, supporting credentials and entry fee of \$510 payable to the Commonwealth of Massachusetts. (certified bank check or money order).

3. The following materials shall be forwarded to Board of Bar Examiners, 77 Franklin Street, Boston, MA 02110 as an application for admission under Rule 3:01, sec. 6:

- (a) A petition of the applicant - A printed blue form furnished by the Board of Bar Examiners.
- (b) A certificate of the applicant - a printed blue form furnished as in (a).
- (c) A certificate from the proper court officer, under seal of court, showing date of applicant's admission to the bar and that he/she is still in good standing in that jurisdiction.
- (d) At least three letters of recommendation from attorneys, stating the nature and extent of their acquaintance with the applicant and their personal knowledge as to the length and continuity of the applicant's practice of law and as to his/her outside work, if any, and their belief as to his/her moral character and fitness to be admitted to the bar of Massachusetts.
- (e) If possible, a letter from a judge of one of the courts in the state or jurisdiction where the applicant was admitted.
- (f) If possible, one or more letters from members of the bar in Massachusetts covering the points above mentioned.
- (g) A report by the National Conference of Bar Examiners in accordance with Rule IV of the Rules of the Board of Bar Examiners. Questionnaire forms are furnished in connection with the application forms. These must be executed *in duplicate* by the applicant and returned to the chairman with the applicant's check for \$200.00, payable to the National Conference of Bar Examiners, to cover the cost of preparing the report.

Multi-state professional Responsibility Examination is a separate examination, given three times a year and administered by the National Conference of Bar Examiners. A scaled score of 75 or better is a passing score at this time which must be achieved by an applicant before filing an application for admission as an attorney. For MPRE information:

NATIONAL CONFERENCE OF BAR EXAMINERS
MPRE Application Department
Box 4001
Iowa City, Iowa 52243
(319) 337-1287

OATH TO BE TAKEN BY ATTORNEYS

General Laws (Ter. Ed.) Chapter 221, section 38, provides as follows:

Section 38. Whoever is admitted as an attorney shall, in open court, take and subscribe the oaths to support the constitution of the United States and of the Commonwealth; and the following oath of office shall be administered to and subscribed by him:

I (repeat the name) solemnly swear that I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, or give aid or consent to the same; I will delay no man for lucre or malice; but I will conduct myself in the office of an attorney within the courts according to the best of my knowledge and discretion, and with all good fidelity as well to the courts as my clients. So help me God.

The attorney's oath in substantially its present form was adopted by a rule of court in 1686. It was required by a Province law in 1701 and has been required ever since except for the period from 1836-1860 when by legislative enactment a simpler form of oath was in use. See Revised Statutes, Chapter 88, section 22 and General Statutes, Chapter 121, section 31.

MASSACHUSETTS BOARD OF BAR EXAMINERS

77 FRANKLIN STREET

BOSTON, MASSACHUSETTS 02110